

retained the limitation of original claim 4 regarding the yeast being suspended in a wort-free aqueous solution. The reply stated that while Seebeck does suggest the continuous fermentation of beer wort, nothing in Seebeck suggests the use of a wort-free solution for culturing yeast that is later used to ferment beer wort. Thus, it is believed that any obviousness issues under 35 USC § 103 with respect to Seebeck alone have been addressed for the pending claims.

In the Office Action of March 21, 2002, claims 2 and 5 were rejected under 35 USC §103(a) as being obvious over Seebeck and Applicants' specification. In particular, the Office Action directed the Applicants' attention to the top of page 3 of the specification where it is stated that U.S. Patent Nos. 3,164,472 and 4,840,802 teach that zinc may be added to a yeast/wort solution to enhance fermentation.

Claim 5 depends from claim 4 and is still pending in the application. (Claim 2 has been cancelled.) Claim 5 recites that zinc is added to the yeast suspension of claim 4. This yeast suspension is a wort-free aqueous solution (see claim 4).

U.S. Patent Nos. 3,164,472 and 4,840,802 teach the addition of zinc to a yeast/wort solution. However, from column 1, lines 33-36 of U.S. Patent No. 4,840,802, it is evident that the reason for the zinc addition is the zinc deficiency of wort. The claimed invention uses a wort-free solution for culturing yeast that is later used to ferment beer wort. Thus, the motivation to add zinc to wort as described in U.S. Patent No. 4,840,802 (i.e., the zinc deficiency of wort) is quite simply not present in the claimed invention. In other words, there is nothing in U.S. Patent Nos. 3,164,472 and 4,840,802 that teaches the value of zinc in a wort-free solution for culturing yeast. Thus, one would not have been motivated to include zinc in a wort-free solution for culturing yeast.

Accordingly, it is respectfully submitted that amended claim 5 is patentable over Seebeck and the Applicants' specification.

No fees are believed to be needed for this response. However, if any fees are needed, please charge them to deposit account 17-0055.

Respectfully submitted,

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